

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 611/2018, 679/2018,
387/2019, 388/2019 AND 501/2021
(Subject – Arrears of Wages)**

1. ORIGINAL APPLICATION NO. 611 OF 2018

DISTRICT : NANDED

- (1) **Premla w/o Uttamrao Hanumante,**)
Age : 44 years, Occu. : Sweeper,)
R/o. Triratna Nagar, Sangi, Tq. & Dist. Nanded.)
- (2) **Rukhminbai w/o Vithalrao Padalwad,**)
Age : 42 years, Occu. : Sweeper,)
R/o. Triratna Nagar, Near Airport,)
Nanded, Tq. & Dist. Nanded.)
- **APPLICANTS**

V E R S U S

- (1) **The State of Maharashtra,**)
Through its Secretary for Home)
Department, Mantralaya, Mumbai -32.)
- (2) **The Director General of Police,**)
Director General Office, Shahid)
Bhagatsing Marg, Colaba, Mumbai-39,)
Maharashtra.)
- (3) **The Superintendent of Police,**)
Anti-Corruption Bureau, Nanded Range,)
Nanded, Tq. and Dist. Nanded.)
- ... **RESPONDENTS**

W I T H

2. ORIGINAL APPLICATION NO. 679 OF 2018

DISTRICT : NANDED

- (1) **Sushilabai w/o Ganpatrao Kalaskar,**)
Age : 46 years, Occu. : Sweeper,)
R/o. H. No. 1-1-590, Tehra Nagar,)
Shivaji Nagar, Nanded, Tq. & Dist. Nanded.)

- (2) **Gayabai w/o Pundlik Khandare,**)
Age : 48 years, Occu. : Sweeper,)
R/o. H.No. 1-2-803, Ambedkar Nagar,)
Shivaji Nagar, Nanded, Tq. & Dist. Nanded.)
- (3) **Shanta s/o Sopan Gaikwad,**)
Age : 46 years, Occu. : Sweeper,)
R/o. H. No. 1-1-6851, Ambedkar Nagar,)
Shivaji Nagar, Nanded, Tq. & Dist. Nanded.)
- (4) **Sumanbai w/o Kashinath Narnaware,**)
Age : 46 years, Occu. : Sweeper,)
R/o. H. No. 1-1-1017, Ambedkar Nagar,)
Fire Station, Nanded, Tq. & Dist. Nanded.)
- (5) **Bharatbai w/o Manohar Surya,**)
Age : 51 years, Occu. : Sweeper,)
R/o. Ambedkar Nagar, Shivaji Nagar,)
Waghi, Nanded, Tq. & Dist. Nanded.)
- (6) **Shakuntala w/o Ramesh Narwade,**)
Age : 48 years, Occu. : Sweeper,)
R/o. C-2, Police Colony, Sneha Nagar,)
Waghi, Nanded, Tq. & Dist. Nanded.)
- (7) **Vacchalabai w/o Malhari Shelke,**)
Age : Major, Occu. : Sweeper,)
R/o. H. No. 1-1-694, Ambedkar Nagar,)
Near Triratna Nagar, Nanded.)
- (8) **Shivaji s/o Laxman Pandilwad**)
Age : 42 years, Occu. : Sweeper,)
R/o. GHR 62, at post Pethwadaj,)
Tq. Kandhar, Dist. Nanded.)
- (9) **Maloji s/o Bhujanga Kadam,**)
Age : 52 years, Occu. : Sweeper,)
R/o. at post Bahadarpura, Kandhar,)
Tq. Kandhar, Dist. Nanded.)
- (10) **Deepabai w/o Nagorao Rankhambe,**)
Age : 56 years, Occu. : Sweeper,)
R/o. H. No. 8-H-105, Rest House,)
Police Colony, Nanded, Tq. & Dist. Nanded.)

- (11) **Ratnakar s/o Narayan Shinde,**)
Age : 34 years, Occu. : Sweeper,)
R/o. Rohi Pimplagaon, Tq. Mudkhed,)
Dist. Nanded.)
- (12) **Vinod (Vinayak) s/o Rameshsinh Thakur,**)
Age : 37 years, Occu. : Sweeper,)
R/o. At Post Kalambar (bk),)
Tq. Loha, Dist. Nanded.)
- (13) **Jiwanrao s/o Laxmanrao Vishvramhe,**)
Age : Major, Occu. : Sweeper,)
R/o. Near Shivaji School, Sonkhed,)
Tq. & Dist. Nanded.)
- (14) **Vyankati s/o Sitaram Khandare,**)
Age : 34 years, Occu. : Sweeper,)
R/o. 1/6/1120, Ward No. 15, Sneh Nagar,)
Police Colony, Nanded, Tq. & Dist. Nanded.)
- (15) **Saraswatibai w/o Shankar Jogdand,**)
Age : Major, Occu. : Sweeper,)
R/o. Police Head quarter, Nanded,)
Tq. & Dist. Nanded.)

.... **APPLICANTS**

V E R S U S

- (1) **The State of Maharashtra,**)
Through its Secretary for Home)
Department, Mantralaya, Mumbai -32.)
- (2) **The Director General of Police,**)
D.G.P. Office, Shahid)
Bhagat Sing Marg, Colaba, Mumbai-39,)
Maharashtra.)
- (3) **The Inspector General of Police,**)
Nanded Range, Nanded, Tq. & Dist. Nanded.)
- (4) **The Superintendent of Police,**)
S.P. Office, Nanded, Tq. and Dist. Nanded.)

... **RESPONDENTS**

W I T H

3. ORIGINAL APPLICATION NO. 387 OF 2019**DISTRICT : OSMANABAD**

- (1) **Sunil s/o Balaji Sangewar,**)
Age : 46 years, Occu. : Sweeper,)
R/o. Shree om Medical, Anand Nagar,)
Osmanabad, Tq. & Dist. Osmanabad.)
- (2) **Sunil s/o Navnath Gaikwad,**)
Age : 39 years, Occu. : Sweeper,)
R/o. 298, Near Water Tank, Diksal,)
Tq. Kalamb, Dist. Osmanabad.)
- (3) **Tukaram s/o Arjun Shinde,**)
Age : 40 years, Occu. : Sweeper,)
R/o. Shriram Galli, Kasbe Tadvale,)
Osmanabad, Tq. & Dist. Osmanabad.)
- (4) **Somnath s/o Mahadeo Pethe,**)
Age : 58 years, Occu. : Sweeper,)
R/o. Dhoki, Tq. Ter, Dist. Osmanabad.)
- (5) **Santosh s/o Sanatan Rasal,**)
Age : 32 years, Occu. : Sweeper,)
R/o. Ter, Tq. Ter, Dist. Osmanabad.)
- (6) **Sarvar s/o Fakira Shaikh,**)
Age : 39 years, Occu. : Sweeper,)
R/o. House No. 4/226, Sheri Galli,)
Kalamb, Tq. Kalamb, Dist. Osmanabad.)
- (7) **Akbar s/o Ansar Beg,**)
Age : 36 years, Occu. : Sweeper,)
R/o. Padoli, Osmanabad,)
Tq. & Dist. Osmanabad.)
- (8) **Sadik s/o Musa Kazi,**)
Age : 45 years, Occu. : Sweeper,)
R/o. Indira Nagar, At post. Ieet,)
Tq. Bhoom, Dist. Osmanabad.)
- (9) **Rashid s/o Bashir Shaikh,**)
Age : 44 years, Occu. : Sweeper,)
R/o. Navaj Pura, Near Anand Nagar,)
Osmanabad, Tq. & Dist. Osmanabad.)

- (10) **Kavira w/o Gopal Salgar,**)
Age : 45 years, Occu. : Sweeper,)
R/o. Osmanabad, Tq. & Dist. Osmanabad.)

.... **APPLICANTS****V E R S U S**

- (1) **The State of Maharashtra,**)
Through its Secretary for Home)
Department, Mantralaya, Mumbai -32.)

- (2) **The Director General of Police,**)
D.G.P. Office, Shahid Bhagatsing Marg,)
Colaba, Mumbai-39, Maharashtra.)

- (3) **The Inspector General of Police,**)
Aurangabad Range, Aurangabad,)
Tq. & Dist. Aurangabad.)

- (4) **The Superintendent of Police,**)
S.P. Office, Osmanabad,)
Tq. and Dist. Osmanabad.)

... **RESPONDENTS****W I T H****4. ORIGINAL APPLICATION NO. 388 OF 2019****DISTRICT : AURANGABAD**

- (1) **Ashok s/o Pandurang Khotkar,**)
Age : 45 years, Occu. : Sweeper,)
R/o. Plot No. 43, Banwadi, Aurangabad,))
Tq. & Dist. Aurangabad.)

- (2) **Rekha w/o Ashok Khotkar,**)
Age : 31 years, Occu. : Sweeper,)
R/o. Plot No. 43, Banwadi, Aurangabad,))
Tq. & Dist. Aurangabad.)

- (3) **Jyoti w/o Pradeep Khotkar,**)
Age : 23 years, Occu. : Sweeper,)
R/o. Labour Colony, Harsh Nagar,)
Aurangabad, Tq. & Dist. Aurangabad.)

.... **APPLICANTS****V E R S U S**

- (1) **The State of Maharashtra,**)
Through its Secretary for Home)
Department, Mantralaya, Mumbai -32.)
- (2) **The Director General of Police,**)
D.G.P. Office, Shahid Bhagatsing Marg,)
Colaba, Mumbai-39, Maharashtra.)
- (3) **The Superintendent of Police,**)
C.P. Office, Aurangabad,)
Tq. and Dist. Aurangabad.)

... RESPONDENTS

W I T H5. ORIGINAL APPLICATION NO. 501 OF 2021

DISTRICT : NANDED

- (1) **Anita w/o Dayanand Damodar,**)
Age : 48 years, Occu. : Sweeper,)
R/o. Gautam Nagar, Killa Raod, Nanded,))
Tq. & Dist. Nanded.)
- (2) **Abdul Hamid s/o Abdul Majid,**)
Age : 43 years, Occu. : Sweeper,)
R/o. Chaupal, Laxmi Nagar, Nanded,)
Tq. & Dist. Nanded.)
- (3) **Khaja Pasha Chotemiya,**)
Age : 55 years, Occu. : Sweeper,)
R/o. Nallatta Chaul, Opp. Police Head)
Quarter, Nanded, Tq. & Dist. Nanded.)
- (4) **Laxman s/o Piraji Mundphale,**)
Age : 56 years, Occu. : Sweeper,)
R/o. Barbada, Tq. Biloli, Dist. Nanded.)
- (5) **Madan s/o Sonbeer Pohal,**)
Age : 44 years, Occu. : Sweeper,)
R/o. C/o Police Station Loha, Tq. Loha,))
Dist. Nanded.)
- (6) **Sidram s/o Gangaram Waghmare,**)
Age : 50 years, Occu. : Sweeper,)
R/o. Ramthirth (Naygaon), Tq. Biloli,)
Dist. Nanded.)

- (7) **Baliram s/o Govindrao Konkewad,**)
Age : 49 years, Occu. : Sweeper,)
R/o. At Post Manjram, Tq. Biloli, Dist. Nanded.)
- (8) **Gangubai w/o Rama Waghmare,**)
Age : 49 years, Occu. : Sweeper,)
R/o. 3106, Ambedkar Nagar, Kundalwadi,))
Tq. Biloli, Dist. Nanded.)
- (9) **Pratap s/o Baburao Shirse,**)
Age : 37 years, Occu. : Sweeper,)
R/o. Milind Nagar, Mukhed, Tq. Mukhed,))
Dist. Nanded.)
- (10) **Devrao s/o Champatrao Khillare,**)
Age : 52 years, Occu. : Sweeper,)
R/o. H.No. 272, Shivaji Nagar, Jay Bhim))
Nagar, Nanded, Tq. & Dist. Nanded.)
- (11) **Anausayabai w/o Devrao Khillare,**)
Age : 50 years, Occu. : Sweeper,)
R/o. H.No. 272, Shivaji Nagar, Jay Bhim))
Nagar, Nanded, Tq. & Dist. Nanded.)
- (12) **Dilip s/o Rajeshwar Shriramjwar,**)
Age : 55 years, Occu. : Sweeper,)
R/o. Bhoskar Galli, Hadgaon,)
Tq. Hadgaon, Dist. Nanded.)
- (13) **Ananda s/o Piraji Manpure,**)
Age : 55 years, Occu. : Sweeper,)
R/o. Janta Colony, Himayatnagar,)
Tq. Himayatnagar, Dist. Nanded.)
- (14) **Anjanabai w/o Haribhau Suryawanshi,**)
Age : 47 years, Occu. : Sweeper,)
R/o. S.P. Office, Vazirabad,)
Tq. & Dist. Nanded.)

.... **APPLICANTS****V E R S U S**

- (1) **The State of Maharashtra,**)
Through its Secretary for Home)
Department, Mantralaya, Mumbai -32.)

- (2) **The Director General of Police,**)
Director General Office, Shahid)
Bhagatsing Marg, Colaba, Mumbai-05,)
Maharashtra.)
- (3) **The Spl. Inspector General of Police,**)
I.G.P. Office, Nanded Range, Nanded,)
Tq. & Dist. Nanded.)
- (4) **The Superintendent of Police,**)
S.P. Office, Nanded, Tq. and Dist. Nanded.)

... RESPONDENTS

APPEARANCE : Shri P.V. Suryawanshi, Advocate for the
Applicants in all these O.As.

: Shri B.S. Deokar, Presenting Officer for
Respondents in all these O.As.

CORAM : **SHRI V.D. DONGRE, MEMBER (J).**

DATE : **06.07.2022.**

C O M M O N - O R D E R

1. By invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, the present Original Applications are filed by the applicants challenging the impugned order dated 18/20.07.2017 (part of Annexure A-2 collectively in O.A. No. 611/2018 at page No. 34 of the paper book) issued by the respondent No. 3 i.e. the Superintendent of Police, Anti-Corruption Bureau, Nanded Range, Nanded and impugned order 01.09.2017 (part of annexure A-2 collectively in O.A. No. 679/2018 at page No. 48 of the paper book) issued by the

respondent No. 4 i.e. Superintendent of Police, Nanded, refusing to grant arrears of wages claimed by the applicants as per their representation dated 09.08.2016 (part of Annexure A-2 collectively in O.A. No. 611/2018 at page No. 23 of the paper book) and representations dated 10.08.2016, 12.08.2016, 06.05.2016 & 29.11.2016 (part of Annexure A-2 in O.A. No. 679/2018 at page Nos. 20 to 24 of the paper book) referring to the Notifications dated 15.02.2003 and 28.09.2010 in that regard.

2. The facts and law involved in all these proceedings are similar in nature and hence, all these Original Applications can be decided by a common order.

3. Facts in brief giving rise to this Original Applications can be summarized as follows :-

(i) The applicants are working as Part Time Sweepers since last so-many years with the respondent No. 3 sincerely and honestly. It is the duty of the respondent authorities to pay the wages as per the Notifications issued by the respondent No. 1 i.e. the Government of Maharashtra from time to time. The respondent authorities however never them paid arrears of wages as per the relevant Notifications.

(ii) Chart showing details of the applicants in all these O.As., is as follows :-

Sr. No.	Original Application No.	Applicants	Date of joining	Date of representation/s
1	O.A. 611/2018	Applicant No. 1	2001	09.08.2016
		Applicant No. 2	2003	
2	O.A. 679/2018	Applicant No. 1	30.07.1993	29.11.2016, 06.05.2016, 12.08.2016 & 10.08.2016
		Applicant Nos. 2,3,4,5,6 &7	10.10.1997	
		Applicant No. 8	16.11.1998	
		Applicant No. 9	23.10.2002	
		Applicant No. 10	07.02.1997	
		Applicant No. 11	01.02.2002	
		Applicant No. 12	01.01.2003	
		Applicant No. 13	01.01.1997	
		Applicant No. 14	28.06.2004	
		Applicant No. 15	1995	
3	O.A. 387/2019	Applicant No. 1	January, 2003	26.03.2018
		Applicant No. 2	01.05.2005	
		Applicant No. 3	2016	
		Applicant No. 4	1996	
		Applicant No. 5	19.05.2011	
		Applicant No. 6	January, 2003	
		Applicant No. 7	2003	
		Applicant No. 8	2003	
		Applicant No. 9	01.12.1998	
		Applicant No. 10	1998	
4	O.A. 388/2019	Applicant No. 1	02.06.1994	20.08.2016
		Applicant Nos.2&3	25.09.2013	
5	O.A. 501/2021	Applicant No. 1	04.10.1994	15.01.2020 26.08.2020 27.08.2020 & 08.02.2021
		Applicant No. 2	06.02.1999	
		Applicant No. 3	30.10.1996	
		Applicant No. 4	01.01.1985	
		Applicant No. 5	1994	
		Applicant No. 6	1993	
		Applicant No. 7	25.08.1988	
		Applicant No. 8	01.10.2001	
		Applicant No. 9	1997	
		Applicant No. 10	1990	
		Applicant No. 11	1998	
		Applicant No. 12	2005	
		Applicant No. 13	1997	
		Applicant No. 14	05.01.1998	

(iii) It is the contention of the applicants that at present they are getting wages of Rs. 4608/- (in O.A. 611/2018), Rs. 3030 & 3476/- (in O.A. No. 679/2018), Rs. 3700 & 3800/- (in O.A. No. 387/2019), Rs. 4024/- (in O.A. No. 388/2019) and Rs. 4600/- & 4426/- per month as per the Notification dated 28.09.2010, as well as, G.R. dated 07.03.2018 issued by the respondent No. 1 i.e. the Government of Maharashtra. By the present Original Applications, the applicants are claiming arrears (differential amount of wages), which was not paid as per the Notifications dated 15.02.2003 and 28.09.2010 (Part of Annexure A-1 collectively) issued by the respondent No. 1 i.e. the Government of Maharashtra and as per the Minimum Wage Act.

(iv) The applicants are getting wages at present as stated above as per the Notification dated 28.09.2010 after passing of the order by this Tribunal in O.A. No. 34/2016 on 24.02.2016 (part of Annexure A-1 collectively in O.A. No. 611/2018). The respondent authorities have denied the rights of the applicants for getting arrears as per the Notifications dated 15.02.2003 fully and 28.09.2010 partly.

(v) It is further contended that Section 5 and Section 12 of the Minimum Wages Act, 1948 clearly state that the authority should not deduct any kind of wages fixed by such Notification, which is issued by the Industry, Energy and Labour Department. Each and every Notification shall come into force on the expiry of three months from the date of its issuance. In view of the same, it was duty of the respondent authorities to pay the wages as per the Notifications issued by the Government of Maharashtra from time to time. The applicants are Sweeper / Class-IV employee.

(vi) It is further contended that when the applicants came to know that they were not paid wages as per the Notifications issued under the Minimum Wages Act, they had approached this Tribunal and filed O.A. No. 765/2016 seeking arrears of wages. After the respondent authorities failed to consider the representation dated 09.08.2016, the Tribunal by the order dated 05.07.2017 (part of Annexure A-2 collectively) directed the respondent authorities to decide their representation. The respondent authorities rejected their representation by the order dated 18/20.07.2017 (part of Annexure A-2 collectively in O.A.

611/2018), which is impugned in the Original Application No. 611/2018.

(vii) According to the applicants, the Government has issued Notifications dated 15.02.2003 and 28.09.2010 (part of Annexure A-1 collectively) to all kinds of Sweepers and Scavengers. As per the Notification dated 15.02.2003, the part time sweepers are entitled to get the wages (60%) as per their Zones i.e. (1) Zone I- Rs. 1920+Special Allowance, (2) Zone II- Rs. 1860+Special Allowance and (3) Zone III- Rs. 1800+ Special Allowance. Similarly as per the Notification dated 28.09.2010, the part time Sweeper is entitled to get the wages (60%) as per their Zones i.e. (1) Zone I- Rs. 2760+Special Allowance, (2) Zone II- Rs. 2670+Special Allowance and (3) Zone III- Rs. 2580+ Special Allowance.

(viii) It is further contended that the Government issued G.R. dated 07.03.2018 (part of Annexure A-3 collectively) and clarified that the Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department is applicable to all employees (Sweepers) of Police Department and they are entitled to get the wages as per this

Notification. Moreover, the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad by the order dated 15.03.2018 (part of Annexure A-3 collectively in O.A. No. 611/2018) in W.P. No. 2800/2018 ordered to pay the wages as per the Notification dated 28.09.2010 seems to be pay the difference of wages to the original applicants, if the same has not been paid to them, as expeditiously as possible and preferably within four months from that date of order. The respondent authorities implemented the Notification dated 28.09.2010 belatedly, but never paid the difference of wages as per the Notification dated 15.02.2003. The respondent authority has not paid the special allowances to the applicants as per the Notification dated 28.09.2010. In view of the same, the applicants are entitled to get the arrears (differential amount of wages) and special allowances, which is not paid as per the Notifications dated 15.02.2003 and 28.09.2010. Hence, the present Original Applications.

4. Affidavit in reply is filed in O.A. No. 611/2018 on behalf of respondent Nos. 2 & 3 by one Shri Vijay Nagorao Dongre, working as the Dy-Suptd. Of Police, Anti-Corruption Bureau Nanded Unit, Dist. Nanded, thereby he denied all the adverse

contentions raised in the Original Application. It is specifically denied that the applicants are deprived their rights for getting the arrears as per the Notifications dated 15.02.2003 and 28.09.2010. It is submitted that the respondent No. 3 has decided the representation filed by the applicants as per the direction given by this Tribunal by the order dated 05.07.2017 in O.A. No. 765/2016. Moreover, the office of respondent No. 3 has already started payment of wages to the applicants as per the Notification dated 28.09.2010. Therefore, the applicants are not entitled to get the arrears of wages retrospectively, as the applicants are not the permanent Government employee. Therefore, the present Original Application is liable to be dismissed. Affidavits in reply on similar footing are filed in the rest of the O.A. Nos. 679/2018, 387/2019, 388/2019 & 501/2021.

5. Subsequently, additional affidavit in reply on behalf of respondent No. 2 is filed in all these O.As. by one S.K. Jaiswal, working as Director General of Police, Maharashtra State, Mumbai. It is specifically submitted by him that to implement the order of the Hon'ble High Court in W.P. No. 2800/2018 in the matter of Bansilal S/o Harishchandra Tarte and Ors. Vs. Mr. S.K. Shrivastava, Additional Chief Secretary and Ors. decided on

23.09.2019, his office has submitted proposal for grant of arrears to the concerned to the State Government on 10.12.2018, followed by letters dated 27.12.2018, 10.01.2019, 19.03.2019 and 14.05.2019. The State Government is the competent authority to take decision in this matter. The State Government in Home Department vide it's Circular dated 23.07.2019 has sanctioned the amount of arrears for five respondents in the said W.P. No. 2800/2018, who had filed C.P. No. 361/2019. It is further submitted that in order to enable the State Government to take final decision of the representations made by the applicants in all these O.A. Nos. 611, 652, 679 of 2018 and 387 & 388 of 2019, the respondent No. 2 has called the information from the concerned Police Unit Commanders and the relevant information is submitted to the State Government recommending to grant the difference of arrears of wages to the applicants vide office letter dated 09.01.2020(page Nos. 53 to 55 of the paper book in O.A. No. 611/2018). The State Government in Home Department is the competent authority to take decision in the same.

6. I have heard the arguments advanced at length by Shri P.V. Suryawanshi, learned Advocate for the applicants in all these

O.As. on one hand and Shri B.S. Deokar, learned Presenting Officer for the respondents in all these O.A. on the other hand.

7. Upon perusal of the pleadings in all the matters, it is evident that all these Original Applications are filed basically seeking direction against the respondents to pay the arrears (differential amount of wages, which was not paid) as per the Notifications dated 15.02.2003 and 28.09.2010 till date. Admittedly, the respondent authorities have acted upon the subsequent Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department, State of Maharashtra granting the applicants benefit of enhancement of wages. However, none of such applicants are paid the enhanced wages as per the Notification dated 15.02.2003 issued by the State Government in this regard. The said Notification was also issued by the Industry, Energy and Labour Department of State of Maharashtra. Though in the affidavit in reply filed on behalf of respondent Nos. 2 and 3 initially the claims of the applicants were denied in all these matters. Subsequently affidavit in reply is filed on behalf of respondent No. 2 by S.K. Jaiswal, working as Director General of Police, Maharashtra State, Mumbai, thereby categorically stated that to implement the order of the Hon'ble High Court in W.P. No. 2800/2018 in the matter of Bansilal S/o

Harishchandra Tarte and Ors. Vs. Mr. S.K. Shrivastava, Additional Chief Secretary and Ors. decided on 23.09.2019, the office of respondent No. 2 i.e. Director General of Police, Maharashtra State has submitted proposal to the State Government recommending to grant the difference of arrears of wages to the applicants in all these O.A. vide office letter dated 09.01.2020 (Annexure R-1 at page Nos. 53 to 55 of the paper book in O.A. No. 611/2018).

8. That apart when the subsequent Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department, State of Maharashtra is implemented by giving benefits thereof to the applicants, there cannot be any plausible reason denying the enhanced wages as contemplated in earlier Notification dated 15.02.2003 issued by the same department. Both these Notifications would be applicable to the part time Sweepers as per their place of working in respective zones. They will be entitled for proportionate daily wages and special allowances as contemplated in both these Notifications. As stated earlier, the respondent No. 2 has admittedly submitted the requisite proposal to the respondent No. 1 i.e. the State of Maharashtra, which has to consider and grant such benefits under the said Notifications to the applicants in accordance with

law at the earliest. Denial of such claim by the impugned orders in O.A. Nos. 611/2018 and 679/2018 is not sustainable in the eyes of law. In these circumstances, all these Original Applications can be disposed of by giving suitable directions to the respondent authorities. I therefore, proceed to pass following order :-

ORDER

The Original Application Nos. 611/2018, 679/2018, 387/2019, 388/2019 & 501/2021 are allowed and stand disposed of in following terms :-

- (A) The impugned order dated 18/20.07.2017 (part of Annexure A-2 collectively in O.A. No. 611/2018) issued by the respondent No. 3 and impugned order dated 01.09.2017 (part of Annexure A-2 collectively in O.A. No. 679/2018) issued by the respondent No. 4 are hereby quashed and set aside.
- (B) The respondent No. 1 is directed to expeditiously consider the proposal made by the office of respondent No. 2 i.e. the Director General of Police, Maharashtra State, Mumbai to the Home Department of State of Maharashtra of respondent No. 1 in order to enable the concerned respondent authorities to pay the arrears of wages in accordance with the said two Notifications dated 15.02.2003 and 28.09.2010 within

a specified period of three months from the date of this order.

(C) The respondents are directed to consider and to decide the claim of the applicants as per the Notifications dated 15.02.2003 and 28.09.2010 and to pay the arrears of wages due to them expeditiously within a period of three months from the date of this order.

(D) There shall be no order as to costs.

PLACE : AURANGABAD.

DATE : 06.07.2022.

**(V.D. DONGRE)
MEMBER (J)**

KPB S.B. O.A. No. 611 of 2018 & Ors. VDD Arrears of wages